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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
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EXAMINER

CIRIC, LJILJANA V

ART UNIT	PAPER NUMBER
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3743

DATE MAILED: 07/14/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,260

Applicant(s)

Famme

Examiner

Ljiljana V. Ciric

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 15, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above, claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-16 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

The first species or the embodiment including the steps of supplying a colorant-containing liquid to one of the sides of a heat exchanger and a recycled clear liquid to the other, maintaining a differential pressure between the two sides that corresponds to a normal operating differential pressure, and determining whether leakage is present by detecting the presence of colorant in the clear liquid.

The second species or the embodiment including the steps of supplying a colorant-containing liquid to one side of the heat exchanger, pressurizing that side of the heat exchanger, and determining whether leakage is present by visual inspection after draining the colorant-containing liquid from the heat exchanger.

The third species or the embodiment including the steps of supplying a colorant-containing liquid to one of the sides of a heat exchanger and a recycled clear liquid to the other, maintaining a differential pressure between the two sides that corresponds to a normal operating differential pressure, and determining whether leakage is present by detecting the presence of colorant in the clear liquid, wherein the colorant is a fluorescent substance.

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The fourth species or the embodiment including the steps of supplying a colorant-containing liquid to one side of the heat exchanger, pressurizing that side of the heat exchanger, and determining whether leakage is present by visual inspection after draining the colorant-containing liquid from the heat exchanger, wherein the colorant is a fluorescent substance.

The fifth species or the embodiment including the steps of supplying a colorant-containing liquid to one of the sides of a heat exchanger and a recycled clear liquid to the other, maintaining a differential pressure between the two sides that corresponds to a normal operating differential pressure, and determining whether leakage is present by detecting the presence of colorant in the clear liquid, wherein the detection of the colorant is effected using UV light.

The sixth species or the embodiment including the steps of supplying a colorant-containing liquid to one side of the heat exchanger, pressurizing that side of the heat exchanger, and determining whether leakage is present by visual inspection after draining the colorant-containing liquid from the heat exchanger, wherein the detection of the colorant is effected using UV light.

The seventh species or the embodiment including the steps of supplying a colorant-containing liquid to one of the sides of a heat exchanger and a recycled clear liquid to the other, maintaining a differential pressure between the two sides that corresponds to a normal operating differential pressure, and determining whether leakage is present by detecting the presence of colorant in the clear liquid, wherein the colorant is a salt of fluoresceine.

The eighth species or the embodiment including the steps of supplying a colorant-containing liquid to one side of the heat exchanger, pressurizing that side of the heat exchanger,

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and determining whether leakage is present by visual inspection after draining the colorant-containing liquid from the heat exchanger, wherein the colorant is a salt of fluoresceine.

The ninth species or the embodiment including the steps of supplying a colorant-containing liquid to one of the sides of a heat exchanger and a recycled clear liquid to the other, maintaining a differential pressure between the two sides that corresponds to a normal operating differential pressure, determining whether leakage is present by detecting the presence of colorant in the clear liquid, maintaining the colorant-containing liquid at a predetermined pressure while the clear liquid is drained from the opposite side of the heat exchanger , and determining whether leakage is present by visual inspection after draining the clear liquid from the heat exchanger.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. The claims are deemed to correspond to the species listed above in the following manner:

Claims 1, 4, and 5 correspond to the first species.

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Claims 2, 3, 11, and 12 correspond to the second species.

Claims 1 and 6 correspond to the third species.

Claims 2 and 13 correspond to the fourth species.

Claims 1 and 7 correspond to the fifth species.

Claims 2 and 14 correspond to the sixth species.

Claims 1, 8, 10, and 16 correspond to the seventh species.

Claims 2 and 15 correspond to the eighth species.

Claim 9 corresponds to the ninth species.

The following claim(s) are generic: none.

3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons, for example: the first species lacks the steps of draining either the colorant-containing liquid or the clear liquid, the requirement that the colorant is a fluorescent substance or a salt of fluoresceine, and the step of effecting the detection of the colorant via either UV light or via inspection of the heat exchanger plates; the second species lacks the step of determining whether leakage has occurred by detecting the presence of colorant in the clear liquid, the requirement that the colorant is a fluorescent substance or a salt of fluoresceine, and the step of effecting the detection of the colorant via either UV light; the third is the only one requiring that the colorant is a fluorescent substance and including all of the features of the first species; the fourth species is the only one requiring that the colorant is a fluorescent

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substance and including all of the features of the second species; the fifth species is the only one requiring that the colorant be detected via UV light and including all of the features of the first species; the sixth species is the only one requiring that the colorant be detected via UV light and including all of the features of the second species; the seventh species is the only ones requiring that the colorant is a salt of fluorsceine and including all of the features of the first species; the eighth species is the only ones requiring that the colorant is a salt of fluorsceine and including all of the features of the second species; and the ninth species is the only one which includes both a step of determining whether leakage has occurred by detecting the presence of the colorant in the clear liquid and by visual inspection of the heat exchanger plates after draining the clear liquid from the heat exchanger.

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric, whose telephone number is (703) 308-3925. While she works a flexible schedule that varies from day to day and from week to week, Examiner Ciric may generally be reached at the Office during the work week between the hours of 10 a.m. and 6 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett, can be reached on (703) 308-0101. The fax phone number is (703) 305-3463.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

lvc

July 12, 2003

A handwritten signature in black ink, appearing to read "Ljiljana V. Ciric".

LJILJANA V. CIRIC
PRIMARY EXAMINER
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